

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BERNARD HOLT,

Plaintiff,

vs.

EXTRA SPACE STORAGE INC.
AND JOHN DOES 1-5,

Defendants.

CASE NO.:

NOTICE OF REMOVAL

Defendants EXTRA SPACE STORAGE INC., (“Defendant”) by and through undersigned counsel and pursuant to 28 U.S.C. § 1446, hereby file their Notice of Removal of the action now pending in the State Court of Gwinnett County, State of Georgia, Civil Action File No. 23-C-03884-S1, styled as *Bernard Holt, v. Extra Space Storage Inc. and John Does (1-5)* (the “civil action”), respectfully showing this Honorable Court as follows:

1. On June 6, 2023, Plaintiff Bernard Holt, (“Plaintiff”) filed the civil action in the State Court of Gwinnett County, State of Georgia. Copies of the Summonses, Complaint, and Affidavits of Service filed by Plaintiffs are attached hereto as “Exhibit A.”

2. In the civil action, Plaintiffs pursue a cause of action based on negligence in Violation of O.C.G.A. § 51-3-1, and conscious indifference to consequences pursuant to O.C.G.A. § 51-12-5.1. *See generally* (Complaint).
3. In the civil action, Plaintiffs claim an excess of \$240,000. Therefore, the amount in controversy exceeds \$75,000.00. (Plaintiff's Objections & Responses to Defendant Extra Space Storage, Inc.'s First Interrogatories and Request for Production of Documents ¶ 14).
4. Because the amount in controversy in the civil action will exceed \$75,000.00, exclusive of interest, costs, and attorney's fees, the amount in controversy requirement necessary for removal pursuant to 28 U.S.C. §§ 1332(a), 1441(b) is satisfied.
5. Plaintiffs are citizens of Georgia. (Complaint ¶ 1).
6. At all times material, Defendants Extra Space Storage, Inc. have been profit corporations organized under the laws of the State of Utah with their principal places of business in the State of Utah.
7. Because the civil action is between citizens of different States, removal on the basis of diversity is proper pursuant to 28 U.S.C. §§ 1332(a), 1441(b).

8. The civil action was commenced in the State Court of Gwinnett County, State of Georgia on June 06, 2023. On June 6, 2023, the Clerk of State Court of Gwinnett County issued a Summons for Plaintiff to serve upon Defendant.

Plaintiff served the registered agents of Defendants Extra Space Storage, Inc. with a copy of the Summons and Complaint on June 9, 2023. Accordingly this notice is timely filed pursuant to 28 U.S.C. § 1446(b)(1) and Fed. R. Civ. P. 6(a)(1)(C).

9. Pursuant to 28 U.S.C. § 1446(d), Defendants Extra Space Storage, Inc. have provided written notice to all adverse parties and have filed a copy of this Notice of Removal with the Clerk of the State Court of Gwinnett County, State of Georgia (a copy of the Notice of Filing Notice of Removal submitted to the Clerk of the State Court of Gwinnett County, State of Georgia is attached hereto as “Exhibit B”).

WHEREFORE, Defendants Extra Space Storage, Inc. respectfully submit this matter to this Court’s jurisdiction and remove the civil action to this Court.

Respectfully submitted this 28th day of August, 2023.

(SIGNATURE OF COUNSEL ON FOLLOWING PAGE)

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

3348 Peachtree Road, N.E.
Suite 1400
Atlanta, GA 30326
Main:(470) 419-6650
Fax: (470) 419-6651
eleanor.jolley@wilsonelser.com
kayla.lakes@wilsonelser.com

/s/ Eleanor G. Jolley
Eleanor G. Jolley
Georgia Bar No. 602577
Kayla A. Lakes
Georgia Bar No. 144579
*Attorneys for Defendants Extra Space
Storage, Inc.*

CERTIFICATE OF SERVICE

This is to certify that on this date I filed and served the foregoing **NOTICE OF REMOVAL** via e-mail and/or the Court's electronic filing system, which will send electronic notification to the following counsel of record:

Kevin A. Adamson
Brittany D. Schwanitz
KEVIN A. ADAMSON, P.C.
4295 International Boulevard, Suite D
Norcross, GA 30093
kevin@kaapc.com
brittany@kaapc.com

This 28th day of August, 2023.

/s/ Eleanor G. Jolley
Eleanor G. Jolley
GA Bar No. 602577
Kayla A. Lakes
GA Bar No. 144579
*Counsel for Defendant Extra
Space Storage, Inc.*